

UNITED STATES DISTRICT COURT

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAIIfor the
District of Hawaii

United States of America

v.

Brian Keoni ANCHO

Case No.

Mag.

MAR 14 2014
at 10 o'clock and 40 min. A.M.
SUE BEITIA, CLERK

14-00256 KSC

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 13, 2014 in the county of Honolulu in the
District of Hawaii, the defendant(s) violated:

Code Section

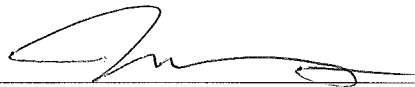
Offense Description

18 USC 922(g)(1)

Felon in Possession of a Firearm

This criminal complaint is based on these facts:

March 13, 2014, in the District of Hawaii, the Defendant, Brian Keoni ANCHO, having previously been convicted in the State of Hawaii of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting interstate commerce, one (1) firearm to wit: Charter Arms Corp, model Undercover, .38 Special caliber revolver bearing serial number 577867.

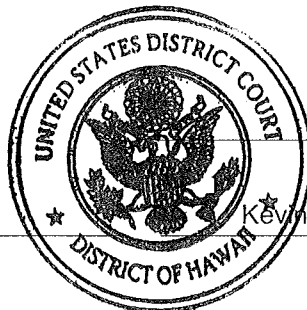

☒ Continued on the attached sheet.


Complainant's signature

SA Joseph Mokos

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/13/2014City and state: Honolulu, Hawaii

 Judge's signature

Kevin S.C. Chang, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Joseph Mokos, after being duly sworn, deposes and states as follows:

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives and have been so employed for approximately 11 years. This affidavit is made in support of a Criminal Complaint against Brian Keoni ANCHO for violations of Title 18 USC 922(g)(1) - Felon in possession of a firearm.
2. On March 13, 2014, at approximately 1020 hours, Honolulu Police Department (HPD) District 5 Criminal Reduction Unit (CRU) Officers Jared Nomura and Officer Brad Matsumura were on routine patrol in an unmarked Police subsidized vehicle. While patrolling the area, Officer Nomura observed a parked red Honda Accord bearing Hawaii license plates JBU103 fronting Private Parties located at 949 Kamenani Street. HPD officers observed the driver's door to the Accord wide open and an unknown person appeared to be standing outside the driver's door leaning into the vehicle as if he was searching through the vehicle.
3. Officer Nomura ran a check of the vehicle's Hawaii license plate JBU103 and was informed that the vehicle was a "Transfer Pending" status with an expired Vehicle Tax of 8/11 and an expired Safety Check of 1/12.
4. Officer Matsumura parked his unmarked subsidized vehicle directly behind the Accord and both officers attempted to initiate contact with the unknown person to further investigate the situation. The officers approached the vehicle from the rear driver's side. Officer Nomura identified himself to be a Police Officer with his badge and also verbally stated he was a Police Officer.
5. The male stood up out of the driver's side door, made eye contact with Officer Nomura and then attempted to jump over the open space between the open driver's door and the body of the vehicle in an attempt to runaway.
6. Officer Nomura stopped the male just prior to him fully getting over the open door and sat him down inside the open driver's door sill.

Officer Nomura was able to get a good look at his face and immediately recognized the individual to be Brian Keoni ANCHO, hereinafter "ANCHO".

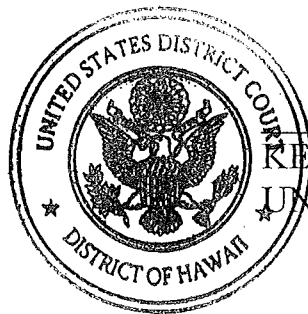
7. On March 12, 2014, Officer Nomura received information from District 8 CRU Officer Boyce Sugai, hereinafter Officer Sugai, stating that ANCHO is said to be in possession of multiple handguns and is known to carry them on his person. Officer Sugai stated that ANCHO is known to carry the firearms in his front waistband of his pants.
8. Due to the circumstances of ANCHO attempting to flee and the information received from Officer Sugai, Officer Nomura attempted to conduct a pat-down of ANCHO for Officer Safety. Officer Nomura instructed ANCHO to stand up and put his hands on the roof of the vehicle in which he did not comply. After multiple instructions, ANCHO stood up turned around towards the vehicle put his hands on the roof and pushed his stomach up against the vehicle
9. HPD Officer Nomura began conducting a pat-down to the outer waist band of ANCHO. As Officer Nomura's left hand reached the left front waist band area of ANCHO, he began to press up against the vehicle and turn his body to the right. Officer Nomura then reached around the right side of his waist band with his right hand and as Officer Nomura got to the front waist band area, he felt a butt of a handgun protruding from the top of his shorts.
10. Officer Nomura informed Officer MATSUMURA of the gun, in which time ANCHO then attempted to pull away from Officer Nomura and began to struggle in an attempt to run away. Officer Nomura gave multiple commands for ANCHO to stop resisting and stated that he was under arrest, but was met with negative results as ANCHO continued to struggle and ignore all commands.
11. After a brief struggle, ANCHO was handcuffed and Officer Matsumura recovered a black Charter Arms Corp, model Undercover, .38 special revolver handgun bearing serial number 577867 inside a brown leather holster from ANCHO's front waistband area.

12. A check was made with Police Dispatch to see if ANCHO had any prior felony convictions. Per dispatch, ANCHO has six (6) prior felony convictions.
13. HPD Officer Joshua Tavaras, hereinafter Officer Tavares, took custody of the said revolver to render it safe. Officer Tavares informed Officer Nomura that the revolver was fully loaded with five (5) rounds of Federal .38 Special ammunition.
14. HPD Officer Matthew Uchida, hereinafter Officer Uchida, conducted a pat-down incident to lawful arrest of ANCHO's person and recovered a 4" glass cylindrical pipe with a bulbous end containing and burnt white and brown residue resembling crystal methamphetamine from the left cargo shorts pocket of ANCHO. Officer Uchida also recovered a 2" x 2" clear Ziploc bag containing a crystalline substance resembling crystal methamphetamine from the right rear shorts pocket of ANCHO.
15. Officer Nomura then informed Brian ANCHO that he was under arrest for one count of the following offenses: Place to Keep Pistol (14-092126), Hawaii Revised Statutes 134-25, Place to Keep Ammunition (14-092127), Hawaii Revised Statutes 134-27, Felon In Possession of Firearm (14-092128), Hawaii Revised Statutes 134-7, Resisting Arrest (14-092129), Hawaii Revised Statutes 710-1026, Promoting a Dangerous Drug in the 2nd Degree (14-092217), Hawaii Revised Statutes 712-1242, Unlawful Possession of Drug Paraphernalia (14-092218), Hawaii Revised Statutes 329-43.5.
16. On March 13, 2014, ATF Special Agent Christopher Tuitele conducted a CJIS-Hawaii criminal history query of ANCHO which revealed the following felony convictions:
 - 5/2002 – Terroristic Threatening 1 – HRS 707-0716
 - 5/2002 – Ownership/Possession of a Prohibited Firearm – HRS 134-0007
 - 5/2002 – Place to Keep Firearms – HRS 134-0006
 - 11/2000 – Fraudulent Use of Credit Card – HRS 708-8100
 - 11/2000 – Theft/Forgery Etc. of Credit Cards – HRS 708-8102
 - 11/2000 – Promoting Prison Contraband 1 – HRS 710-1022

17. Your affiant knows that due to his felony convictions and pursuant to Federal firearms law, 18 USC 922(g) (1), ANCHO is prohibited from possessing firearms and ammunition that have traveled in interstate commerce.
18. Your affiant, a firearm and ammunition interstate nexus expert, determined based on information provided by HPD Officer Jared Nomura that the Charter Arms Corp., model Undercover, .38 special caliber revolver, serial number 577867 was manufactured outside of the State of Hawaii and therefore, at one point in time, must have traveled in interstate commerce.
19. Based upon the above information, your affiant believes probable cause exists to issue a criminal complaint to arrest Brian Keoni ANCHO for the violation of 18 USC 922(g)(1)—felon in possession of a firearm and/or ammunition.

SA Joseph Mokos
Bureau of Alcohol,
Tobacco Firearms and
Explosives

Sworn to before me and subscribed in my presence, this 13th day of
March, 2014.




KEVIN S.C. CHANG
UNITED STATES MAGISTRATE JUDGE